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**O** 858-677-1456  
**F** 858-677-1465

February 5, 2001

**Attorney Docket No.: DIVER1370-6**

Parent Serial No. 09/318,528

Parent Filing Date: May 25, 1999

**Box PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

02/05/01  
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U.S. PTO

Presented for filing is a new continuation patent application of:

Applicant: JAY M. SHORT and KEITH A. KRETZ

Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

The prior application is assigned of record to Diversa Corporation by virtue of an Assignment recorded on August 22, 2000 at Reel 011053/Frame 0941.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

	<u>Pages</u>
Specification	85
Claim(s)	2
Abstract	1
Declaration	3
Drawing(s)	4
Revocation of Powers of Attorney; Power of Attorney by Assignee; Change of Mailing Address	2

“EXPRESS MAIL” Mailing Label Number **EL476994149US**  
Date of Deposit **February 5, 2001**  
I hereby certify under 37 CFR 1.10 that this correspondence is being  
deposited with the United States Postal Service as “Express Mail Post  
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Washington, D.C. 20231  
*Michael Isayley*

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

Gray Cary/GT\6223459.1  
104703-990000

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1370-6  
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Enclosures:

New disclosure information, including:  
Information disclosure statement, 2 pages  
Form PTO-1449, 2 pages  
One (1) U.S. Patent Document;  
Two (2) Foreign Patent Documents;  
Eight (8) Other Document references.

Permission to Use Sequence Listing, 2 pages  
Paper copy of sequence listing, 5 pages

Postcard.

Under 35 USC § 120, this application claims the benefit of prior U.S. Application No. 09/318,528, now U.S. Patent No. 6,183,740, filed May 25, 1999, which is a continuation-in-part of U.S. Patent Application No. 09/291,931, filed April 13, 1999, which is a continuation of U.S. Patent No. 09/259,214, now U.S. Patent No. 6,110,719, filed March 1, 1999, which is a divisional of U.S. Patent No. 08,910,798, now U.S. Patent No. 5,876,997, filed August 13, 1997, the contents of which are incorporated by reference in their entirety herein.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. §1.27 a Verified Statement is not required.

Basic filing fee	\$	355.00
Total claims in excess of 20 (0 times \$18.00)	\$	0.00
Independent claims in excess of 3 (0 times \$80.00)	\$	0.00
Multiple dependent claims	\$	0.00
Total filing fee:	\$	355.00

Enclosed is a check in the amount of \$355.00 for the filing fee. Please charge Deposit Account No. 50-1355 for any fees or credits believed to be due.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1370-6

Box Patent Application

February 5, 2001

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Please send all correspondence to:

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Very truly yours,

GRAY CARY WARE & FREIDENRICH LLP



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**PATENT**  
ATTORNEY DOCKET NO. DIVER1370-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Box Patent Application**  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application please find:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. One (1) U.S. Patent document;
4. Two (2) Foreign Patent documents;
5. Eight (8) Other Documents references.

In Re Application of:

Jay M. Short et al.

Parent Application No. 09/318,528

Parent Filing Date: May 25, 1999

Continuation Filing Date: February 5, 2001

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PATENT

Attorney Docket No.: DIVER1370-6

No fee is believed to be due in connection with the filing of this paper since the Information Disclosure Statement is being filed before the receipt of a first Office Action. However, if any fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 2/5/01



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In re Application of: Short et al.  
Application No. 09/318,528  
Filed: May 25, 1999  
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PATENT  
ATTORNEY DOCKET NO.: DIVER1370-3

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**DIVERSA CORPORATION**  
a corporation of the state of California

By: Carolyn Erickson  
Name: Carolyn Erickson  
Title: Vice President of Intellectual Properties  
Date: 01/24/00